

SMWG Meeting Notes

September 28, 2005

St. Mary Rehabilitation Working Group Meeting 10:00 – 3:00 September 28, 2005 Crystal Inn – Great Falls, Montana

Welcome and Introductions:

Members Present: Randy Reed, Kevin Salsbery, Marko Manoukian, Kristi Kline (for Dave Peterson), Jim Baker (for Michael DesRosier), Randy Perez, Gary Anderson, Max Maddox, John Lacey, Mike Tatsey, Jim Rector, Larry Mires (Exec. Director)

Absent: Lt. Governor John Bohlinger, Dolores Plumage, Mike Barthel, Paul Tuss, Steve Page

Information included in meeting handouts:

- Agenda
- Draft Meeting Notes from SMWG Exec. Committee meeting 9/20/05
- St. Mary Rehabilitation Area Tour Packet September 27, 2005
- Family Farm Alliance Briefing Materials

Review and approve meeting agenda:

- Larry Mires requested adding discussion on display trailer to agenda.
- John Tubbs requested adding discussion on legal services to agenda.
- Meeting agenda approved by consensus.

Review action items from August 24 meeting

- Paul Azevedo reviewed draft meeting notes from August 24 meeting.
- Correction on name of donor, Fresno Chapter of Walleyes Unlimited instead of Havre Chapter.
- Approved draft meeting notes from August 24 meeting by consensus.

Presentations from National Water Resources Association and Family Farm Alliance

- Tom Donnelly of National Water Resources Association gave presentation on NWRA's mission as an advocacy group to promote water. Donnelly described history of the group, current projects, Legislative efforts and key accomplishments including Reclamation Law & Policy, Westwide Project Development, Water Quality Regulations and the Safe Drinking Water Act.
- Dan Kappen with the Family Farm Alliance described FFA as a group developed by irrigators across the South West to deal with reclamation reform conflicts. Most members are family farmers/ranchers, irrigation districts and small businesses. Kappen talked about efforts to educate both Congressional staffers on irrigation challenges and Irrigators on the Congressional process.
- Tom Donnelly described partnership between NWRA and FFA, for example, FFA works directly with irrigators, while NWRA works to ensure Bureau of Reclamation receives allocation to complete projects.
- Kent Heidt added both groups have websites.
- Larry Mires asked about relationships between Tribes and NWRA/FFA. Neither group has experience with Tribal negotiations.

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- John Tubbs questioned why the national organizations are interested in the SMWG efforts. Donnelly described St. Mary as the poster child for the need to address rehabilitation of water infrastructure across the U.S. Kappen agreed, saying St. Mary's is a great example of what is happening to water infrastructure across the west.
- Mike Tatsey asked about the potential effects on the project on the Blackfeet as the Tribe does not have a Water Compact in place and may be working on the Compact at same time as SMWG asking for authorization of the project. Donnelly suggested the negotiation process of the water compact should be settled at the State level.
- Mike Tatsey expressed the Blackfeet need to get something out of the project and would like to work together on the SMWG project and their Water Compact settlement. Kappen cautioned if SMWG requests Congressional Authorization, everyone needs to be on the same page. Each interest must feel they gain something at each step of the process. Don't make grand promises to be fulfilled at the end of the project.
- Tom Donnelly recommended that the group seek authorization to rehabilitate and modernize the St. Mary Diversion Facilities. He cautioned against trying to amend the original authorization.
- Larry Mires recommended that SMWG join both groups and work with them extensively.
- Working Group members agreed to join Montana Water Resources Association at an annual membership fee of \$3,000 and Family Farm Alliance at an annual membership fee of \$5,000.

National Water Resources Association Annual Conference

- Larry Mires recommended at least two SMWG members should attend the NWRA Annual Conference November 7-10, 2005 in Honolulu, HI. Cost is estimated at \$6,000 for four people. Registration is \$495, Airline tickets \$600-\$700.
- Group agreed to send Larry Mires and Max Maddox and to cost share with the Tribes to send Mike Tatsey and Randy Perez.
- Lt. Governor Bohlinger, Mike Murphey with Montana Water Resources Association and at least one individual with DNRC will also attend.
- Gary Anderson offered to be an alternate to attend conference.

Legislative Summary

- Larry Mires reported the Montana Congressional staff are coordinating efforts work with Legislative Services to have Bureau of Reclamation draft legislation, using information provided by the SMWG. Several SMWG members met with US Representative Rehberg on August 25 in Great Falls and Rehberg assured them he will continue to support the project. SMWG members also met with US Senator Conrad Burns on September 1 in Great Falls to discuss the project. Mires also expressed the need to continue dialog with Montana's Congressional Delegation.

Personnel Committee Discussion

- Marko Manoukian reported that the Personnel Committee discussed potential jobs as the SMWG moves forward with the project. The Committee requested more guidance on how resumes should be handled. Manoukian also discussed the need for more information on Tribal Employment Laws, TERO regulations and the Request for Proposal (RFP) process.

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- After discussion, group agreed all resumes should be directed to the Executive Director and the SMWG should give Executive Director direction on how to handle resumes.
- Jim Baker also added that Cut Bank Job Service could be utilized as they work directly with the TERO.

Executive Director Report

- Larry Mires gave financial report, noting that there is no salary being paid to Two Rivers, only reimbursement for expenses.
- Larry Mires requested SMWG to increase budget from \$1,500 to \$2,000 for the display trailer. MDT says because of the weight of the pipe, the trailer must have trailer brakes. Brakes and axles will cost approximately \$360.
- SMWG agreed to increase budget to \$2,000 for the display trailer.

Fundraising Discussion

- Discussion on fundraising efforts, in comparison to last year.
- Larry Mires will tabulate a list of contributors in 2004 vs. 2005 and plans to follow-up with those who have not donated this year.
- John Tubbs also brought up potential of using Conservation Districts as a funding partner.

Legal Discussion

- John Tubbs suggested SMWG to authorize SMWG Executive Committee to hire an attorney to review irrigator's current contracts and potential changes as the group moves forward with Authorization.
- Jim Rector said he has been working on contracts for municipalities and irrigators. The contracts are complex and agreed there is a concern, however the current contracts cannot be interfered with.
- After lengthy discussion, several felt the current contracts are the irrigators/municipalities concern and not the concern of the SMWG.
- No further action was taken.

Bureau of Reclamation Report

- Lenny Duberstein reported the facilities are shut down for the season. BOR continues to do on-going work. Currently 10,500 acre feet of water in Sherburne and currently 68cfs flowing into Sherburne.

Irrigator Meeting Report

- Mike Dailey reported meeting with five out of eight irrigation districts, discussing the projects and their concerns. Discussed federal mandates, concerns of irrigators and several unknowns as project moves forward. Daily should finish meeting with irrigation districts in October.

Engineering Report

- Erling Juel of TD&H spent a week at St. Mary siphons installing slope inclinometers. Three were installed on the north slope and three on the south slope. They will take base line readings next week, then monitor monthly.

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- Dale Miller reported that his team is making good progress on developing alternative design concepts for siphon replacement. They are looking at single-barrel and double-barrel configurations constructed of either steel or cast in place concrete. Steel and concrete prices are climbing steeply.
- Hydrology work is moving forward. TD&H attended a meeting in Helena with DNRC and USBR.
- John Tubbs asked about the development of hydropower at the St. Mary River Siphons. Erling said the potential is limited by the amount of water that could be diverted. At any given time there is finite amount of water available at the headgate. Water diverted for hydropower generation would have to be over and above water diverted from irrigation. It is unclear how often the extra water would be available.
- Mike Tatsey is supportive of TD&H studying the feasibility of building hydropower ready drops and siphons, but he is concerned with Tribes ability to follow-up on conducting a study to determine the economic feasibility of producing hydropower. Tribe does not have the funds to pay their engineer to work with TD&H on this. John Tubbs suggested that the Tribe could use funds set aside from them in the RDGP grant. Mike acknowledged this possibility, but noted that those funds were intended to complete environmental studies at the upper end of the system. Funds can't be used in two places at once. Mike and John agree on need to get together to discuss best use of RDGP funds set aside for Blackfeet.
- TD&H would like to conduct a survey of the canal prism this fall. A larger survey of the surrounding area could be conducted in the spring. Mike Tatsey expressed an interest in getting Tribal members from the Tribal Land Office involved in this effort. Blackfeet Tribe is in the process of establishing a surveying office and the Tribe would like to have their surveying office employees work beside/train with TD & H. Erling said he had talked with TERO office about finding Tribal members to assist in survey. Mike saw it more as a training opportunity. Tribe would find a way to pay the wages if TD&H would train them. Erling felt it was a workable idea. Mike T. and John T. agreed to pursue this idea in a follow up conversation.
- Erling expects to have draft preliminary engineering report out in late November.

Discussion on Combining Basin and St. Mary Rehabilitation

- Mattt McCann expressed concerns among producers on how the debt will be divided, for example lower end of the Basin has the highest assessments and the upper end has the lowest. Message he's heard from irrigators is there is an option to pay for the project, if they can get a better handle on the operations and maintenance expenses.
- Tom Donnelly said adding rehabilitation of Basin infrastructure could sink the project, driving up costs and decreasing the likelihood of authorization.
- There was some discussion on combining costs of rehabilitating the basin infrastructure and St. Mary project. Donnelly said this could be done, but suggested doing staged appropriation request. St. Mary is the major drive, with out diversion water, there won't be a need for basin rehabilitation.

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Comments from Working Group Members

Gary Anderson

- Status of Public Outreach Committee. Concerned there has been a lot of press coverage on the project, but still several people in the area that do not know much about the project.
- He will contact Delores Plumage on the status of the Outreach Committee.
- Tubbs added September 27, 2005 tour was broadcast on three television networks.
- Mires is currently working with national media, to gain national exposure.

Matt McCann

- Proposed doing meeting every other month and a longer meeting due to the cost of travel, for example meet noon, set the agenda, do subcommittee work, then stay over and work into the following day.
- Group discussed the cost of travel, however most agreed it is hard to get away for an overnight meeting and expressed concern that the group may lose momentum on the project if only meet every other month.
- John Tubbs suggested discussing a \$50 stipend to SMWG members, because of the significant increase in gas prices. Will be added to next months agenda for discussion. Tubbs reported SMWG members have contributed over \$100,000 of in-kind match and he will bring report outlining match to next meeting.

Next Meeting

- October 26 in Chinook at Chinook Motor Inn.

Summary of Agreements

- Approved notes from August 24 meeting in Havre.
- Approved meeting agenda.
- Approved joining Montana Water Resources Association at the sum of \$3,000.
- Approved joining Family Farm Alliance at sum of \$5,000.
- Approved sending two individuals to NWRA conference (11/7-11/10/05) in Honolulu, HI. Ex. Director Larry Mires and Max Maddox will attend.
- Approved cost sharing expenses with Blackfeet and Fort Belknap Tribes to send two additional SMWG members to NWRA Conference. Mike Tatsey and Randy Perez will attend.
- Approve recommendation to send representatives from Working Group to Family Farm Alliance Conference in March '06
- Approved increasing budget for display trailer to \$2,000 for axles and brakes.
- Agree next meeting will be held in Chinook on October 26.

Summary of Action Items

- Mike Dailey (DNRC) and Matt McCann will develop written summary of concerns and issues stated by contract holders during previous meetings.

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- DNRC and representatives from the SMWG will hold a focused meeting in October, with NWRA and FFA to develop creative approaches to addressing authorization and funding issues.
- Gary Anderson will talk to Dolores Plumage for an update on Outreach Committee progress.
- Personnel Committee requested direction and training pertaining to employment opportunities and TERO regulations.
- DNRC will set up a meeting between Blackfeet and MT Dept of Transportation regarding tribal employment during bridge construction.
- Mike Tatsey will talk to John Tubbs on potential uses of \$50,000 in RDGP grants funds that have been set aside for the Blackfeet Tribe. Discussion will include use of funds to pay for training opportunity for Blackfeet survey team.
- Gary Anderson will be an alternate to attend the NWRA Conference.
- DNRC will compile report of in-kind match (travel/expenses) donated by the SMWG Members.
- Larry Mires will compile report of donors comparing 2004 to 2005 fundraising.
- Working Group members will consider proposal to pay a stipend to members to help offset costs associated with travel to meetings. Suggested amount was \$50/meeting.
- Brandi Beecher/Larry Mires will make arrangements for October meeting to be held in Chinook.

Suggested agenda items for next months meeting

- Continue discussions on authorization
- Update on status of compacts.